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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,622	07/07/2000	David T. Meckenstock	B-67587 (014354/0003)	6467

20594 7590 09/26/2003

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EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/611,622

Applicant(s)

MECKENSTOCK ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/07/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Claims 1, 2, 4, 6-14, 16-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoyama (US. Patent 4,841,442) in view of Coutts et al (US 6,311,165 B1).

**As to claim 1**, Hosoyama teaches a device programming system operable (controller 2/ central processing unit 21, col 3, ln 15-57/ the PLU data changing operation processed, col 5, ln 1-15/ the PLU data creating operation processes, col 5, ln 1-15), a plurality of point of sale devices (the POS terminals 1, col 2, ln 1-45/ col 3, ln 15-37/ col 4, ln 5-45, a communication interface (interface 139, col 6, ln 1-16), update requests (the text, col 5, ln 10-65/ col 6, ln 10-67/ col 7, ln 1-67), the plurality of devices form different manufactures( POS system , col 2, ln 1-35/ scanning, editing, printing, col 4, ln 1-45).

Hosoyama does not explicit teach the device having proprietary operating systems. However, Coutts teaches a local processor (col 3, ln 55-67 to col 4, ln 1-24)/ an operating environment/ environment, OS (col 28, ln 20-67).

It would have been obvious to apply the teaching of Coutts to Hosoyama in order to provide an advantage of the module to server communications structure that allows a module's state and operational history to be directly monitored through the serve with minimal disruption to operations of other terminal elements and to provide a higher cost PC based processor used for centralized processing.

**As to claim 2**, Hosoyaman teaches a device update file (the PLU data changing position, col 7, ln 5-67).

**As to claim 4**, Hosoyama teaches a polling system operable (the PLU table new registration operation, col 8, ln 1-51/ col 4, ln 1-20).

**As to claim 6**, Hosoyama not explicit teaches the Internet, a local are network a wide area network a wireless network. However, Coutts teaches Lan/wan/dialup 1(7, fig 2).

It would have been obvious to apply of Coutts to Hosoyama in order to provide a high order communications link into the network for the POS system.

**As to claim 7**, Hosoyama teaches a device setup system operable (the PLU creation operation, col 4, ln 65-68).

**As to claim 8**, Hosoyama teaches a device update system operable (the PLU changing operation, col 4, ln 65-68), configurations data (the PLU data, col 5, ln 1-10).

**As to claim 9**, Hosoyama teaches a device analytical system operable (PLU table inquiry table, col 5, ln 67-67 to col 6,ln 1-67), troubleshooting (executing the text analyzing, col 6,ln 19-41).

**As to claim 10**, Hosoyama teaches a programming request (the text, col 5, ln 10-65/ col 6, ln 10 – 67/ col 7,ln 1-67), a point of sale devices (the POS terminals 1, col 2, ln 1-45/ col 3, ln 15-37/ col 4, ln 5-45).

Hosoyama does not explicit teach a two or more proprietary operation systems, transmitting the programming request based on the propriety operation system. However, Coutts teaches a local processor (col 3, ln 55-67 to col 4, ln 1-24)/ a operating environment/ environment, OS (col 28, ln 20-67), communication directly to an external server (col 4, ln 40-48), each application module has an independent connection through communication link to server 16, col 13, ln 55-67/ col 14, ln 45-68, col 15,ln 7-40).

It would have been obvious to apply the teaching of Coutts to Hosoyama in order to allow the peripheral application modules to take a more active role in the overall operational flow and to conduct appropriate section of the transaction business logic along with their own error handling.

**As to claim 11**, Hosoyama teaches a device setup command (the PLU creation operation, col 4, ln 65-68).

**As to claim 12**, Hosoyama teaches a device update command ((the PLU data changing position (col 7, ln 5-67).

**As to claim 13**, Hosoyama teaches a polling command (the PLU table new registration operation, col 8, ln 1-51/ col 4, ln 1-20).

**As to claim 14**, Hosoyama teaches proprietary (the article code, col 7, ln 1-67), the point of sale device (the POS terminal 1, col 7, ln 1-67), a file (the PLU file 26, col 7, ln 1-67).

**As to claim 16**, Hosoyama teaches (the programming request (the text, col 5, ln 10-65/ col 6, ln 10 – 67/ col 7, ln 1-67).

Hosoyama does not explicit teach an Internet. However, Coutts teaches However, Coutts teaches Lan/wan/dialup 1(7, fig 2).

It would have been obvious to apply of Coutts to Hosoyama in order to provide a high order communications link into the network for the POS system.

**As to claim 17**, Hosoyama teaches a file (the PLU file 26, col 3, ln 5-37), for each point of sale devices (the POS terminals 1, col 3, ln 5-37), device operating commands (the PLU table inquiry operation, the PLU data creating operation, the emergency PLU data creating operation, col 4, ln 65-68), a programming request (the text, col 5, ln 10-65/ col 6, ln 10 – 67/ col 7, ln 1-67

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Hosoyama does not explicit teach transmitting the file to the corresponding device. However, Coutts teaches communication directly to an extenal server (col 4, ln 40-48), each application module has an independent connection through communication link to server 16, col 13, ln 55-67/ col 14, ln 45-68, col 15, ln 7-40).

It would have been obvious to apply the apply the teaching of Coutts to Hosoyama in order to allow the peripheral application modules to take a more active role in the overall operational flow and to conduct appropriate section of the transaction business logic along with their own error handling.

**As to claim 19**, Hosoyama teaches a point of sale device identifier (item identification/ text identification code, col 5, on 1-64/ col 7, ln 20-60/ a data file (the article exist, col 7, ln 20-60).

**As to claim 20**, Hosoyama teaches one of files (the PLU files, col 7, ln 20-60), the programming request (the text, col 7, ln 20-60), the point of sale device (the POS terminal 1, col 7, ln 20-60).

2. Claims **3, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoyama (US. Patent 4,841,442) in view of Coutts et al (US 6,311,165 B1) and further in view of an AN (IEE OPOS (USPOS)\* Compatible Pole Display Software)

**As to claim 3**, Hosoyaman teaches a device update file (the PLU data changing position col 7, ln 5-67).

Hosoyaman does not teach a class of point of sale devices. However, AN teaches a device class (section device class, page 1).

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It would have been obvious to apply the teaching of Hosoyaman to AN in order to provide an open device driver architecture that allow Point of sale hardware to easily integrated into POS systems.

As to claim 18, Hosoyama teaches files (a PLU file, col 3, ln 1-37, col 6, ln 1-67/ col 5, ln 1-15), the point of sale devices (the POS terminal 1, col 3, ln 1-37), rules (the PLU table inquiry operation).

Hosoyaman does not teach a class of point of sale devices, a class of rule. However, AN teaches a device class (section device class, page 1), the set of properties, capabilities, and function (sec: control object).

It would have been obvious to apply the teaching of Hosoyaman to AN in order to provide an open device driver architecture that allow Point of sale hardware to easily integrated into POS systems.

Hosoyama does not explicit teach the device having proprietary operating systems. However, Coutts teaches a local processor (col 3, ln 55-67 to col 4, ln 1-24)/ an operating environment/ environment, OS (col 28, ln 20-67).

It would have been obvious to apply the teaching of Coutts to Hosoyama in order to provide an advantage of the module to server communications structure that allows a module's state and operational history to be directly monitored through the serve with minimal disruption to operations of other terminal elements and to provide a higher cost PC based processor used for centralized processing.

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3. Claims **5, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoyama (US. Patent 4,841,442) in view of Coutts et al (US 6,311,165 B1) and further in view of Ishii (POS accumulation managing device)

**As to claim 5**, Hosoyama does not teach a telephone call over a public switches. However, Ishii teaches switched telephone network (page 1).

It would have been obvious to apply the teaching of Ishii to Hosoyama in order to provide a simple and inexpensive operation of POS terminals.

**As to claim 15**, Hosoyama teaches the programming request (the text, col 5, ln 10-65/ col 6, ln 10 – 67/ col 7, ln 1-67), the point of sale device (the POS terminal 1, col 7, ln 1-67).

Hosoyama does not teach a public switched telephone network... call over a public switches. However, Ishii teaches switched telephone network (page 1).

It would have been obvious to apply the teaching of Ishii to Hosoyama in order to provide a simple and inexpensive operation of POS terminals.

2.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Fax phone: AFTER\_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICIAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong  
September 19, 2003

A handwritten signature in black ink, appearing to be 'LeChi Truong', written in a cursive style.